



November 21, 2013

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Expanding the Economic and Innovation Opportunities of
Spectrum Through Incentive Auctions, GN Docket No. 12-268

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, the Expanding Opportunities for Broadcasters Coalition (the "Coalition")¹ hereby submits these Informal Comments in response to concerns that the broadcast incentive auction and subsequent repacking will negatively impact television translator services. After examining this issue, the Coalition has determined that rural television viewers will continue to enjoy robust translator service after the auction and repacking.

¹ The Coalition is composed of broadcasters who are the licensees or hold rights to acquire more than 70 auction-eligible stations, most of which are located in the nation's largest, most spectrum-constrained markets. These broadcasters recognize the potential benefit that could come from a successful auction and are committed to working with the FCC to achieve that result. At the same time, these broadcasters are cognizant of the fact that there are alternatives to auction participation should the rules adopted by the Commission not allow them to realize the fair market value of their spectrum as repurposed for wireless broadband.

Broadcasters use television translators to improve or extend their over-the-air television signals—primarily in rural areas and areas with uneven terrain that can disrupt over-the-air transmission. Because TV translators are regulated as low power television stations, they operate on a “secondary” basis to full power stations. In the Middle Class Tax Relief and Job Creation Act of 2012 (the “Spectrum Act”), Congress did not include TV translators and other low power television stations in the definition of television licensees.² As a result, TV translators are not entitled to protection when the FCC repacks broadcast stations.³ This has led some broadcasters, members of Congress, and others to question whether the repacking will eliminate TV translator service and threaten the availability of over-the-air television service in rural areas.

Our analysis indicates that, after the auction, consumers will continue to enjoy robust translator service. Those expressing concerns fear that the FCC will reclaim more spectrum than it needs in rural areas. This is contrary, however, to the auction design and to commitments made by Commission staff. Those concerned also worry that even if the FCC only reclaims the spectrum that it needs, the repacking of full power and Class A television stations will squeeze out TV translators. But, as the attached example demonstrates, there will be room for existing TV translator service after the auction and repacking.

There is no rational basis to conclude that the FCC will recover more spectrum than it needs in rural areas. Under the descending clock auction proposed in the Notice of Proposed Rulemaking and described in further detail in the Incentive Auction Rules Option and Discussion report attached thereto, the Commission would establish a clearing target that corresponds to the amount of spectrum that it is seeking to reallocate from broadcast to mobile broadband. This clearing target would correspond to a national reallocation goal, and would not be raised in areas where more spectrum is available. This view was

² See Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96 § 6001(6), 125 Stat. 156 (2012) (defining a broadcast television licensee as “a full-power television station” or “a low-power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations”).

³ See *id.* § 6403(b)(2) (requiring the Commission to “make all reasonable efforts to preserve, as of the date of the enactment of this Act, the coverage area and population served of each broadcast television licensee, as determined using the methodology described in OET Bulletin 69 of the Office of Engineering and Technology of the Commission”).

confirmed in a blog post by Ruth Milkman, then Chief of the Wireless Telecommunications Bureau, which stated that “we’re looking for a consistent amount of spectrum in the vast majority of the country – there may be less in constrained markets, ***but we aren’t contemplating clearing more in rural markets.***”⁴ This sound approach will help minimize or prevent any detrimental effect on TV translators.

Additionally, an examination of markets where TV translators are heavily used reveals that there would be ample spectrum post-repack on which TV translators could continue to operate. By example, attached hereto is a study of television stations in the Minneapolis, Minnesota television market. There currently are 67 TV translators associated with ten full power and Class A broadcast stations in the Minneapolis market. These translators operate in the areas with the lowest television spectrum usage—with most operating entirely in areas where only one to five station signals are available. If the FCC reallocates 120 MHz for mobile broadband use, as proposed in the National Broadband Plan, 29 channels would remain available for use in these areas. As a result, even if all ten broadcast television stations had translators at the same location, the existing broadcast stations and the translators would occupy, at most, 15 of the 29 available channels.

Even in the event that the Commission needs to choose between mutually exclusive applications for TV translators associated with major broadcast stations and other low power television stations, the FCC historically has demonstrated a preference for translators.⁵ In fact, the NPRM proposes to incorporate this preference in the incentive auction rules by “grant[ing] a priority to applicants that provide the only network service to their communities.”⁶ Again, the Coalition believes this approach is proper to minimize the impact on the most watched television services.

⁴ See Ruth Milkman, A Band Plan that Serves the Public Interest, Official FCC Blog (June 21, 2013), <http://www.fcc.gov/blog/band-plan-serves-public-interest>.

⁵ See *John McCutcheon d/b/a MCC Communications*, 4 FCC Rcd. 2079 (1989) (recognizing the service benefits of providing first network service to 30,000 persons and serving the loss area with a television translator).

⁶ *In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Notice of Proposed Rulemaking, 27 FCC Rcd. 12357 ¶ 361 (2012).

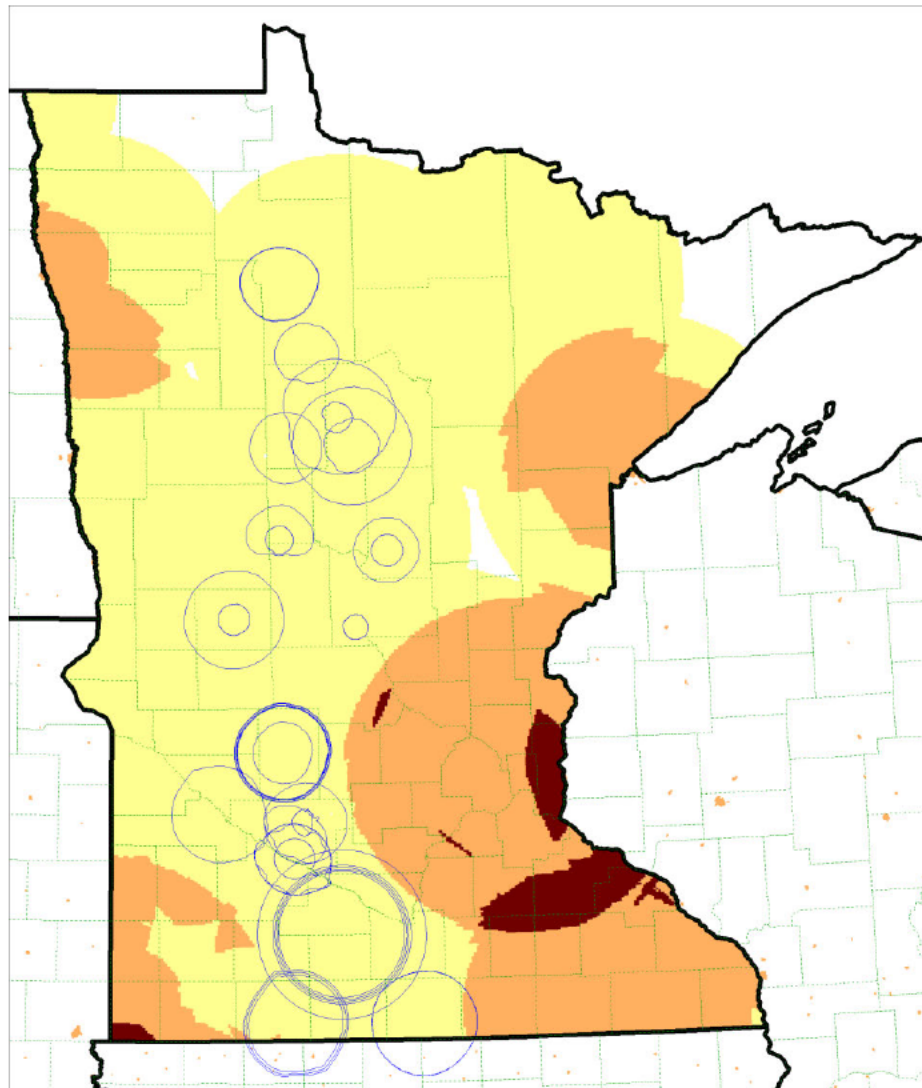
The foregoing demonstrates that the broadcast incentive auction need not impact the availability of TV translator services, especially if the FCC adopts the auction procedures proposed in the NPRM and further clarified by Commission staff.

Respectfully Yours,

/s/ Preston Padden /s/ _____

Preston Padden
Executive Director
Expanding Opportunities for Broadcasters Coalition

The Broadcast Incentive Auction Does Not Have To Impact the Availability of Television Translator Services



Minneapolis Station Translator Use

- Television Translators generally operate in rural areas *not* implicated by the Incentive Auction.
 - The auction is seeking to “buy” spectrum only in areas where reallocation goals cannot be met by repacking alone.
 - Because translators operate in areas that are not served by full power stations, they are not operating in areas where spectrum congestion is a problem.
- EOBC studied television translator use in the Minneapolis, MN market, shown to the left.
 - EOBC found 67 television translators for 10 full power and Class A broadcasters in the Minneapolis market.
 - The translator station noise-limited contours, shown in blue, were overlaid on a map showing the current full power and Class A usage in Minnesota.
 - As shown in the chart, the translators operate in the areas of lowest television usage—the yellow areas depict regions where only 1-5 station signals are available.
- If the FCC reallocates 120 MHz for mobile use through the Incentive Auction, sufficient spectrum to accommodate translators in Minnesota should remain.
 - The reallocation of 120 MHz would leave Channels 2-30 available for television use—a total of 29 channels.
 - As shown in the chart, in the areas where the translators operate, only one-sixth of the channels are being used.
 - Even if all 10 stations had translators at the same location, at most 15 of 29 channels would be used.